

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-122-LPS-CJB
	)	
GROUPON, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT’S COMMENTS ON PLAINTIFF’S TECHNOLOGY TUTORIAL**

Pursuant to Paragraph 11 of the Court’s October 4, 2016, Scheduling Order (D.I. 17) and the parties’ entered stipulation (D.I. 57), on April 13, 2017, Defendant Groupon Inc. submits the following comments in response to Plaintiff International Business Machines Corporation’s tutorial.

Plaintiff’s tutorial is misleading with respect to the Prodigy Patents (U.S. Patent Nos. 5,796,967 and 7,072,849) in two respects. First, IBM misrepresents the scope of the prior art. IBM repeatedly refers to “dumb terminal” prior art (at, e.g. 2:30) in which the central host computer that operated an application was required to send the entire application to the client system. Other systems known at the time of the invention, such as X-Windows, art related to which was cited during prosecution, both use locally-stored resources to render user interfaces and do not send the entire application to a user’s system. The X-Windows protocol sends information needed to render a user interface to a user’s system, but was capable of running the application at either locally or remotely. Second, X-Windows used local resources, such as fonts, to render text at a user’s system.

Second, IBM improperly aligns Prodigy with the World Wide Web, a later-developed technology that replaced centralized systems like Prodigy. There is no disclosure of web technologies, which IBM accuses of infringement in this case, in the Prodigy Patents. IBM's tutorial states at 3:30 that Prodigy was "effectively a precursor to the World Wide Web." Plaintiff also gives web pages as an example of a display which could be created as in the patents at approximately 4:32.

ASHBY & GEDDES

*/s/ John G. Day*

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